

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD.

SPECIAL CIVIL APPLICATION NO 4519 OF 1999

For Approval and Signature :

Hon'ble MR. JUSTICE S.K.KESHOTE

1. Whether Reporters of Local Papers may be allowed to see the Order ?

2. To be referred to the Reporter or not?

3. Whether Their Lordships wish to see the fair copy of the Order ?

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge?

YOGESHBHAI N VADNAGARA & ANR.

VERSUS

THE STATE OF GUJARAT & ORS.

Appearance:

MR JB DASTOOR for Petitioner.

CORAM : MR JUSTICE S.K. KESHOTE

Date of Order : /07/1999

C A V ORDER

1. Heard learned counsel for the petitioners.

2. The grievance of the petitioners in this special

civil application is that since January, 1999 the respondents are not giving subsistence allowance to him. The petitioners are served with the charge sheet and departmental inquiry against them is pending and they are under suspension since 1992.

3. It is really shocking that for all these years the respondents have not cared to complete the inquiry. The respondents have to take care to see that the public money is not given to the persons against whom serious charges are levelled. Keeping the departmental inquiry pending otherwise also adversely effect the reputation of the employee where ultimately no charge is proved against him. So in both ways it is not reasonable on the part of the disciplinary authority to sit over the departmental inquiry indefinitely. The petitioners are also happy with the suspension. Looking to the nature of their service, there are all possibilities that they would have got job elsewhere and subsistence allowance is received by them additionally and that too without any work. This has to be inferred from the fact that in the special civil application, the petitioners have not prayed for any relief for early finalization of the departmental inquiry initiated against them.

4. If the subsistence allowance is not paid by the respondents to the petitioners, it could have been brought to the notice of the respondents and the matter is not decided expeditiously or decided against them then there would have been some semblance of justification to approach to the appropriate legal forum available for redressal.

4. The petitioners in respect of their grievance can approach to the respondent No.2 by filing a representation and in case such a representation is filed it is expected that the respondent No.2 shall decide the same within a period of one month from the date of the receipt of the writ of this order. A reasoned order may be passed if the claim of the petitioner is not acceptable. The respondent No.2 & 3 are directed to complete the departmental inquiry initiated against the petitioners within a period of six months from the date of the receipt of the writ of this order. The compliance of this order is to be reported to this court by the respondent Nos. 2 & 3.

Subject to the aforesaid observations and directions, the special civil application is dismissed.

(S.K.Keshote, J.)

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